



## Department of Employment Dispute Resolution

### CONSENT TO MEDIATE

We agree that:

1. Participation in mediation is voluntary. At any point, a participant may withdraw from the process.
2. All writings and all communications made during, or in connection with, the mediation that relate to the substance of the dispute are generally confidential and cannot be used for purposes outside of the mediation. Exceptions to confidentiality include: (a) evidence of patient/inmate/resident abuse, or threats of physical harm to self or others; (b) specific information which participants agree to share with anyone outside the mediation; and (c) information shared during the mediation which is known or could be obtained through other means.
3. The mediator, as a neutral third party, will facilitate discussion in order to enhance communication and understanding. If participants choose to reach a resolution, the mediator will assist in this process. The mediator serves as a facilitator. The mediator is not an advocate, judge, jury, counselor, or therapist. The mediator does not give legal advice. The mediator will not solve the dispute, express an opinion on who is right or wrong, or make decisions for the parties. The mediator will help the parties generate possible solutions and assist the participants in reaching decisions that are acceptable to each of them. The mediator may determine that during the mediation process, separate meetings with the parties are appropriate.

The mediation process will include:

- an opportunity for all parties to be heard,
  - identification of issues to be resolved in mediation,
  - generation of alternatives for resolution,
  - and, if participants desire, writing an agreement.
4. The parties agree not to involve the mediators, the Agency Workplace Mediation Coordinator, EDR's Mediation Staff, the Department of Employment Dispute Resolution and its staff, or any records pertaining to this mediation in any court or administrative proceedings.
  5. If a written agreement is reached, it must be reviewed and approved by the Agency Workplace Mediation Coordinator and an EDR Workplace Mediation Coordinator to ensure consistency with state and agency policies and mediation program guidelines. Any mediated agreement could affect the legal rights and responsibilities of the participants. Participants may have draft agreements reviewed by a legal representative or another individual of choice prior to signing. Each participant pledges to abide by the terms of the signed agreement.

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Signature of Participant

\_\_\_\_\_  
Date

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Signature of Participant

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Date

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Signature of Mediator

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Date

\_\_\_\_\_  
Signature of Mediator

\_\_\_\_\_  
Date